

10/664,62503W028REMARKS

Following entry of the above amendments, claims 2-36 will be pending. Claim 1 has been canceled. Claim 2 has been rewritten in independent form, and has been amended to explicitly recite a feature that was previously to have been inherent. Claims 3, 5, 6, 8, 15, and 19 have been amended to depend upon claim 2, rather than upon canceled claim 1. Claim 36 has been added.

Prior Art Rejections

The various prior art rejections are discussed below in the same general order in which they are made in the Action.

Girod

Claims 22 and 26-35 stand rejected under 35 USC 102(e) as anticipated by Girod, U.S. Patent No. 6,687,506 ("Girod").¹ Withdrawal of the rejections is respectfully requested for at least the following reasons.

Girod's disclosure was discussed in detail in the last Reply. Girod does not disclose use of a conductive shield separate from an antenna of its jamming device, does not disclose receiving a response to a transmitted pseudo base signal to detect the presence of a telephone device, and does not disclose use of a frequency scanner that stops scanning and maintains transmission at a given frequency when a device is detected.

Claim 22 recites a detector for detecting telephone-activated devices that includes, among other things, a transmitter and a receiver, wherein the transmitter includes a signal-generating unit coupled to a frequency scanner adapted to successively transmit signals, scanning multiple possible base station frequencies,

¹ Claims 5-10 and 19-21 were also indicated in the Action as anticipated by Girod. Since claims 5-10 and 19-21 have been amended to depend ultimately upon claim 2, they are treated below as rejected as obvious over the combination of Girod and MacAleese.

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wherein the frequency scanner is coupled to circuitry adapted to stop the scanning when the receiver detects a telephone-activated device, while maintaining transmission at the frequency at which the transmitter was transmitting when the receiver detected the telephone-activated device. Girod does not teach or suggest circuitry that stops frequency scanning when a device is detected. Though a portion of Girod (col. 5, lines 4-6) is cited in the "Response to Arguments" section of the present Action as teaching this feature, that portion of Girod teaches only selectivity of jamming, not the recited stopping of frequency scanning when a device is detected. Although that portion of Girod does describe selectivity as to the types of calls that are jammed, nothing about selectivity in jamming necessarily involves or even implies the recited stopping of frequency scanning. Because Girod is concerned with preventing mobile telephone use in an enclosed volume where multiple phones would be present, it would not be expected for Girod's device to cease scanning for the presence of other devices to focus on interdicting communication with a single device. Girod's system may be selective about which mobile phones and calls it jams, but there is no reason for Girod to stop frequency scanning, to stop looking for other mobile phones and/or calls. Since Girod does not teach or suggest all the recited features of claim 22, claim 22 is patentable over Girod.

In addition, Girod does not teach or suggest a receiver that receives and detects a response signal to a transmitted pseudo base station signal. In the "Response to Arguments" section col. 2, lines 5-15 of Girod is cited with regard to this feature, with mention made of the reference in Girod to dialogue. Col. 2, lines 5-15 of Girod describes jamming by superposition of unidentifiable radio signals onto signals sent by actual base stations, so that mobile phones no longer recognize the base station signal. This superimposed signal is not a pseudo base station signal, since Girod does not disclose that the unidentifiable signal provokes any sort of response beyond triggering messaging that the mobile phone is inaccessible (col. 2, lines 8-10). Girod does refer to setting up a dialogue, col. 2, lines 13-15, but the dialogue referred to is with a base station, not with the mobile phone, and not in response to the unidentifiable base station

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signal. Girod is not explicit on this point, but it appears that this dialogue is initiated in response to the detection of a signal from the base station, and has nothing to do with the mobile phone. According to Girod, the "unidentifiable" radio signal sent by Girod's jammer makes a superimposed signal that is "no longer recognized" by destination mobile phones. Col. 2, lines 5-8. Girod simply does not teach or suggest sending a pseudo base station signal and looking for a response. Thus for another reason claim 22 is patentable over Girod.

Claim 26 recites a method of detecting telephone-activated devices that includes, *inter alia*, for each of multiple possible base station frequencies, transmitting a pseudo base station signal from a transmitter of a telephone-activated device detector to an object, and checking, with a receiver of the detector, for receipt of signals from the object indicating the presence of a telephone-activated device. The same section of Girod as discussed in the last paragraph (col. 2, lines 5-15) is cited again in the Action with regard to the recited features in claim 26 of transmitting pseudo base station signals, and checking for receipt of signals from an object indicating presence of a telephone-activated device. The arguments made in the last paragraph hold with equal force here. Therefore claims 26-35 are patentable over Girod.

Dependent claim 29 recites that the interdiction device sends control signals to a telephone-activated device to cause the telephone-activated device to execute an internal function to change its functionality, wherein sending the control signal includes disabling the telephone-activated device. In the Action, Girod's disclosure of jamming is cited as teaching this feature, but jamming does not involve sending a signal to a device to cause the device to execute an internal change in functionality. Nothing in Girod teaches or suggests sending a control signal to a telephone-activated device to disable the telephone-activated device. Thus claim 29 is patentable over Girod for an additional reason.

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Combination of Girod and MacAleese

Claims 2-4, 7, 15-18, and 23-25 stand rejected under 35 USC 103(a) as obvious over Girod in view of MacAleese et al., U.S. Patent No. 6,359,582 ("MacAleese").

Claims 5-9 and 19-21, rejected as anticipated by Girod, are treated as rejected as obvious over Girod and MacAleese, since all of these claims have been amended to depend ultimately upon claim 2. Withdrawal of the rejections is respectfully requested for at least the following reasons.

MacAleese discloses a concealed weapons detector 12 that uses backscattered microwave energy to determine whether a suspect has a weapon. Col. 6, lines 25-34. MacAleese discloses that the weapons detector 12 is a handheld device that includes a transmit and receive antenna 19 for emitting the microwave energy and receiving the backscattered signal. Col. 6, lines 35-41. MacAleese discloses that the concealed weapons detector 12 is capable of discerning weapons from a long list of "clutter objects," including cellular telephones. Col. 14, lines 54-60. MacAleese does not disclose any sort of functional interaction with cellular telephones. Nor does MacAleese disclose use of a conductive shield.

It would not have been obvious to combine the devices of MacAleese and Girod, since MacAleese and Girod describe very different sorts of devices, with very different modes of operations, to achieve very different purposes. Girod describes a system for interdicting mobile phone communication in a protected space, such as a school, hospital, or theatre. Col. 1, lines 24-33. Girod's system relies on sending signals that interfere with some or all of communication with mobile phones. MacAleese, in contrast, is configured to detect individual metal objects. Only by examining the backscattered signals does MacAleese's device differentiate between different types of metal objects. MacAleese has nothing to do with interdicting communication with individual objects, nor does MacAleese involve scanning a protected space.

Given the differences between the devices of Girod and MacAleese, it would not have been obvious to combine the two references for the purpose described in the Action, to make Girod's detector "more compact and portable." Since Girod's interest is

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in protected a predetermined space, there would be no reason to make Girod's device portable. Nor would there be any reason to restyle Girod's area-based interdiction system into something more akin to MacAleese's system for detecting individual metal objects. From Girod and MacAleese one skilled in the art would not be driven to make a portable mobile phone jammer, apparently to be pointed at an individual (a la MacAleese) and continuously powered to maintain interdiction of a mobile phone that the individual is carrying.

Besides a lack of basic motivation for the combination, differences in operation of the two devices call into question the possibility of whether the two are even combinable. MacAleese's handheld device uses 4 C-cell batteries to provide power, Col. 6, lines 6-8. While this may suffice for MacAleese's intended intermittent operation, it is wholly inadequate for the continuous mobile phone interdiction that is the whole point of Girod's system. There is no suggestion from either MacAleese or Girod for modifying Girod's system to make it a portable plug-in system. Again, there is no motivation for the proposed combination, and as a result claims 2-9, 15-21, and 23-25 are patentable over Girod and MacAleese.

In addition, Girod and MacAleese do not teach or suggest all of the recited features of at least some of the rejected claims. Claim 2 recites a detector having a conductive shield, a transmitter, and a receiver, wherein the conductive shield is separate from the transmitter and the receiver, and wherein at least part of the transmitter is within the shield. It is admitted in the Action that Girod does not teach or suggest at least part of a transmitter being within a conductive shield. MacAleese does not refer to a conductive shield at all, and the portions of MacAleese cited in the Action with regard to this feature (col. 6, lines 34-35 and col. 14, lines 39-49) do not teach or suggest at least part of a transmitter being within a conductive shield (whether referred to by that name or any other name). Col. 6, lines 34-35 mentions use in MacAleese's device of a transmit and receive antenna 19, but does not disclose anything about a conductive shield. Col. 14, lines 39-49 lists many parts of an embodiment of MacAleese's weapon detector, including an antenna 107. But again there is no mention

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of a conductive shield or anything that appears to function as a conductive shield. Since neither Girod nor MacAleese teaches or suggests at least part of a transmitter being within a conductive shield, claims 2-9 and 15-21 are patentable over Girod and MacAleese, either alone or in combination.

Dependent claims 3, 4, and 7 recite further features involving the conductive shield that are not taught or suggest by either Girod or MacAleese. Since at least the portions of MacAleese relied upon in the Action do not teach or suggest a conductive shield or something that functions as a conductive shield, MacAleese does not make up for Girod's failure to teach or suggest the additional features recited in claims 3 and 4.

Dependent claim 7 recites that the conductive shield is made of sheet copper. Girod does not appear to mention copper at all. MacAleese mentions copper only in terms of prior art devices not being able to detect guns made out of the metal. Col. 2, lines 31-33 ("Miller and Keller employ magnetic field sensors and so will not detect guns made of non-magnetic materials such as aluminum, brass, and copper."). Neither reference teaches or suggests a conductive shield made of sheet copper.

Dependent claim 21 recites that the detector includes circuitry adapted to stop the scanning when the receiver detects a telephone-activated device, while maintaining transmission at the frequency at which the transmitter was transmitting when the receiver detected the telephone-activated device. Girod's failure to teach or suggest such circuitry is discussed above with regard to claim 22. MacAleese also does not teach or suggest such circuitry.

Thus at least dependent claims 3, 4, 7, and 21 are patentable over Girod and MacAleese, alone or in combination, for additional reasons.

With regard to claims 23-25, MacAleese does not make up for the failure of Girod to teach or suggest all of the recited features of claim 22, upon which claims 23-25 depend. For this reason claims 23-25 are patentable over Girod and MacAleese, alone or in combination.

To sum up with regard to this section, the claims rejected over Girod and MacAleese are patentable first because it would not have been obvious to make the

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proposed combination between Girod and MacAleese. In addition, independent claims 2 and 22 recite features not taught or suggest by either Girod or MacAleese. Further, at least four of the dependent claims (claims 3, 4, 7, and 21) recited other features not taught or suggested by either Girod or MacAleese.

Combination of Girod and Oura

Claims 11-14 stand rejected under 35 USC 103(a) as obvious over Girod in view of Oura, EP 0 881 850 ("Oura"). Since claims 11-14 now depend ultimately upon claim 2, they are treated as rejected over the combination of Girod, MacAleese, and Oura. Oura does not provide the missing motivation for combining Girod and MacAleese. Also, Oura does not make up for the failure of Girod and MacAleese to teach or suggest all of the features of claim 2. For these reasons claims 11-14 are patentable over Girod, MacAlees, and Oura.

Newly-Added Claim

Newly-added claim 36 depends ultimately upon claim 26, and is patentable for at least the reasons given above for the patentability of claim 26. In addition, it is believed that at least the applied references do not teach or suggest the additional feature recited in claim 36, that of wherein disabling the telephone-activated device includes causing the telephone-activated device shut to itself off.

Conclusion

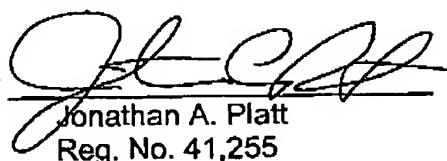
For at least the foregoing reasons, withdrawal of the rejections of the claims is respectfully requested, in which event this application would be in condition for allowance. Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

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No fees are believed due with the filing of this paper. In the event any fees are due in connection with the filing of this paper, the Commissioner is authorized to charge those fees to Deposit Account No. 18-0988 (Charge No. RAYTP0230US).

Respectfully submitted,
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